## In The United States Patent and Trademark Office
## On Appeal From The Examiner To The Board
## of Patent Appeals and Interferences

| | |
|---|---|
| In re Application of: | Thang C. Nguyen et al |
| Serial No.: | 09/850,384 |
| Filing Date: | May 7, 2001 |
| Group Art Unit: | 2155 |
| Confirmation No.: | 2723 |
| Examiner: | Kevin T. Bates |
| Title: | Shared Distributed Media Resources in a Communication Network |

**Mail Stop: Appeal Brief - Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

### Amended Appeal Brief

Appellants file this amended Appeal Brief in response to the Notification of Non-Compliant Appeal Brief mailed December 6, 2007. As requested by the Examiner, changes have been made to the Summary of Claimed Subject Matter.

# Table of Contents

## **Real Party In Interest**

This application is currently owned by Cisco Technology, Inc., as indicated by an assignment recorded on May 7, 2001 in the Assignment Records of the United States Patent and Trademark Office at Reel 011781, Frame 0598-0602.

## Related Appeals and Interferences

There are no known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision regarding this appeal.

## Status of Claims

Claims 1-7, 9-23, 25-37 and 39-45 are pending in this application and are rejected pursuant to a final Office Action electronically sent April 2, 2007, and are all presented for appeal. All pending claims are shown in Appendix A.

## Status of Amendments

All amendments submitted by Appellants were entered by the Examiner before the issuance of the final Office Action electronically sent April 2, 2007.

## Summary of Claimed Subject Matter

Claim 1 of the present recites a method for sharing distributed media resources. The method includes determining at a first call manager (e.g., element 26 of Figures 1-3) that a telephony device (e.g., element 22 of Figures 1 and 3) controlled by the first call manager requires the use of a media resource device (e.g., element 28 of Figures 1 and 3) (as an example only and not by way of limitation, see Page 17, lines 7-15 and step 300 of Figure 4, discussed below). The method further includes selecting an appropriate media resource device from a media resource group list associated with the telephony device (as an example only and not by way of limitation, see Page 18, lines 13-29 and step 304 of Figure 4, discussed below). The media resource group list includes one or more media resource groups (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16), and each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16). Furthermore, selecting an appropriate media resource device from the media resource group list includes selecting a device name associated with a device type that is required by the telephony device (as an example only and not by way of limitation, see Page 18, lines 18-25, and step 304 of Figure 4). In addition, the method includes communicating an allocation request to a device process (e.g., element 110 of Figures 2 and 3) that is associated with the selected media resource device and that is executing at a second call manager controlling the selected media resource device (as an example only and not by way of limitation, see Page 18, line 30 – Page 19, line 1 and step 310 of Figure 4, discussed below).

Claim 15 of the present application recites a call manager that is coupled to a packet-based network and that is operable to control a plurality of devices. The call manager (e.g., element 26 of Figures 1-3) includes a control module (e.g., element 102 of Figures 2 and 3) that is operable to determine that a telephony device (e.g., element 22 of Figures 1 and 3) controlled by the call manager requires the use of a media resource device (e.g., element 28 of Figures 1 and 3) (as an example only and not by way of limitation, see Page 17, lines 7-15 and step 300 of Figure 4, discussed below). Furthermore, the call manager includes a media resource manager (e.g., element 108 of Figures 2 and 3) that is operable to select an

appropriate media resource device from a media resource group list associated with the telephony device (as an example only and not by way of limitation, see Page 18, lines 13-29 and step 304 of Figure 4, discussed below). The media resource group list includes one or more media resource groups (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16), and each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16). Furthermore, selecting an appropriate media resource device from the media resource group list includes selecting a device name associated with a device type that is required by the telephony device (as an example only and not by way of limitation, see Page 18, lines 18-25, and step 304 of Figure 4). In addition, the media resource manager is operable to communicate an allocation request to a device process (e.g., element 110 of Figures 2 and 3) associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device (as an example only and not by way of limitation, see Page 18, line 30 – Page 19, line 1 and step 310 of Figure 4, discussed below).

Claim 31 of the present application recites call manager software (e.g., element 26 of Figures 1-3) that is embodied in a computer-readable medium and operable to determine that a telephony device (e.g., element 22 of Figures 1 and 3) controlled by the call manager software requires the use of a media resource device (e.g., element 28 of Figures 1 and 3) (as an example only and not by way of limitation, see Page 17, lines 7-15 and step 300 of Figure 4, discussed below). In addition, the call manager software is operable to select an appropriate media resource device from a media resource group list associated with the telephony device (as an example only and not by way of limitation, see Page 18, lines 13-29 and step 304 of Figure 4, discussed below). The media resource group list includes one or more media resource groups (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16), and each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16). Furthermore, selecting an appropriate media resource device from the media resource group

list includes selecting a device name associated with a device type that is required by the telephony device (as an example only and not by way of limitation, see Page 18, lines 18-25, and step 304 of Figure 4). Furthermore, the call manager software is operable to communicate an allocation request to a device process (e.g., element 110 of Figures 2 and 3) associated with the selected media resource device, the device process associated with other call manager software controlling the selected media resource device (as an example only and not by way of limitation, see Page 18, line 30 – Page 19, line 1 and step 310 of Figure 4, discussed below).

Claim 45 of the present application recites a call manager (e.g., element 26 of Figures 1-3). The call manager includes means for determining that a telephony device (e.g., element 22 of Figures 1 and 3) controlled by the call manager requires the use of a media resource device (e.g., element 28 of Figures 1 and 3) (as an example only and not by way of limitation, see Page 17, lines 7-15 and step 300 of Figure 4, discussed below). The call manager also includes means for selecting an appropriate media resource device from a media resource group list associated with the telephony device (e.g., element 108 of Figures 2 and 3) (as an example only and not by way of limitation, see Page 18, lines 13-29 and step 304 of Figure 4, discussed below). The media resource group list includes one or more media resource groups (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16), and each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name (as an example only and not by way of limitation, see Page 11, lines 18-23, Page 18, lines 13-16). Furthermore, selecting an appropriate media resource device from the media resource group list includes selecting a device name associated with a device type that is required by the telephony device (as an example only and not by way of limitation, see Page 18, lines 18-25, and step 304 of Figure 4). Furthermore, the call manager includes means for communicating an allocation request (e.g., element 108 of Figures 2 and 3) to a device process (e.g., element 110 of Figures 2 and 3) associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device (as an example only and not by way of limitation, see Page 18, line 30 – Page 19, line 1 and step 310 of Figure 4, discussed below).

Example embodiments of the invention can be better understood with reference to the figures of the application. For example, FIGURE 1 of the present application illustrates an exemplary communication network 10 according to one embodiment of the present invention. In the illustrated embodiment, communication network 10 includes a plurality of local area networks (LANs) 20 interconnected using a wide area network (WAN) 30. Each LAN 20 is a data communication network that is further operable to transmit audio and/or video telecommunications in packet form. In a particular embodiment, LANs 20 are Internet Protocol (IP) networks; however, LANs 20 may be any type of data communication network. *Page 6, lines 2-8.* LANs 20 may be coupled to other IP networks including, but not limited to, other LANs 20 and/or one or more wide area networks (WANs) 30, such as the Internet. In addition to being coupled to other IP networks, LANs 20 may also be coupled to non-IP telecommunication networks through the use of gateway devices 24. For example, LANs 20 may be coupled to the Public Switched Telephone Network (PSTN) 40. *Page 6, lines 13-22.*

Communication network 10 also includes a plurality of call managers 26 that control one or more IP telephony devices 22 and/or gateway devices 24. A call manager 26 is a component that controls call processing, routing, telephone features and options (such as call hold, call transfer and caller ID), device configuration, and other telephony functions and parameters within communication network 10. A call manager 26 can control IP telephony devices 22 and gateway devices 24 coupled to the same LAN 20 to which the call manager 26 is coupled and a call manager 26 may also control IP telephony devices 22 and gateways 24 located elsewhere in communications network 10. For example, a call manager 26 coupled to LAN 20a is capable of controlling telephony devices 22 coupled to LAN 20b. *Page 7, lines 12-21.*

In addition to IP telephony devices 22 and gateway devices 24, call managers 26 may also control one or more media resource devices (MRDs) 28 coupled to communication network 10. MRDs 28 are used to provide various services to telephony devices 22 and gateway devices 24. MRDs 28 may include any device that may be inserted into a media stream between telephony devices 22 and/or gateway devices 24 (or any other appropriate IP endpoints) to provide a media-related service or any device to which a telephony device 22 or

gateway device 24 (or any other appropriate IP endpoint) may be connected using a media stream to provide a media-related service to the telephony device 22 or gateway device 24. Examples of MRDs 28 may include, but are not limited to: a media termination point (MTP) that maintains a communication session with a telephony device 22 to provide supplementary services to the telephony device such as call hold, call transfer, or any other services where telephony device 22 is disconnected from an existing communication session with another device 22, 24; a conference bridge that mixes a number of incoming media streams from participants in a conference call and delivers an appropriate mixed stream to each participant; a transcoder that translates from one encoding format to another encoding format; and a music-on-hold (MOH) server that provides music or other media to a telephony device 22 when the telephony device 22 is placed on hold. As with telephony devices 22 and gateway devices 24, each call manager 26 may control the operation of any MRD 28 located in communication network and each MRD 28 may be shared by a number of call managers 26 in communication network 10. Therefore, an MRD 28 of each type does not need to be provided for each call manager 26 (thus greatly reducing the cost of implementing MRDs 28). MRDs 28 may be implemented using any appropriate combination of hardware and/or software at one or more locations. *Page 7, line 27 – Page 8, line 19.*

FIGURE 2 of the present application illustrates exemplary functional components of a call manager 26. Call manager 26 includes a number of internal processes that are used to manage and control communication to and from devices 22, 24, 28. These processes include, but are not limited to, a call control module 102, a media control module 104, a device manager 106, an MRM 108, one or more device control processes 110, and a digit analysis module 116. *Page 9, lines 18-23.* In particular embodiments, each device 22, 24, 28 controlled by a particular call manager 26 has an associated device process 110 at the particular call manager 26. Each device process 110 acts as a signaling contact point to the associated device 22, 24, 28. For example, signaling sent from a component of call manager 26 or signaling sent from another call manager 26 is directed to the appropriate device process 110, which then communicates the signaling to the associated device. Likewise, signaling sent from a device is first sent to the associated device process 110, and is then communicated to the appropriate destination. *Page 10, lines 11-16.*

When a MRD 28 coupled to a LAN 20 or any other appropriate location in communication network 10 comes on-line, the MRD 28 registers with a call manager 26. An appropriate component of call manager 26 receives the registration request, generates a device process 110 for the registering MRD 28, and assigns the device process 110 a process identification number or string (PID). A PID provides a location or address at which a process 110 may be signaled, even if that process 110 is at a different call manager 26 than the component that is sending the signal. Thus, the PID enables call control module 102 or another appropriate process in one call manager 26 to directly communicate with a device process 110 in the same call manager 26 or another call manager 26. *Page 10, lines 21-32.*

The device process 110 (or any other appropriate component) may communicate the registering MRD's device process PID and appropriate device identification information (such as the device name) to device manager 106. Device manager 106 associates the PID and the identification information in a device name mapping table 114 that may be stored in data storage 112 or in any other appropriate data storage location. Device manager 106 (or other appropriate component) also notifies MRM 108 that the particular MRD 28 has registered and is active. MRM 108 is responsible for managing MRDs 28. Each telephony device 22 and gateway device 24 in communication network 10 may have an associated media resource group list (MRGL) that prioritizes MRDs 28 for use by that device 22, 24. Each MRGL includes an ordered list of one or more media resource groups, and each media resource group includes an ordered list of device names (and an associated device type) of one or more MRDs 28. It should be noted that a particular MRD 28 may be assigned to more than one media resource group and a particular media resource group may be assigned to more than one MRGL. As is described in further detail below, when a particular device 22, 24 requires or desires the use of an MRD 28, the MRGL for that device 22, 24 may be communicated to MRM 108 and MRM 108 may assign an appropriate MRD 28 based on the MRGL. *Page 11, lines 11-28.*

FIGURE 4 of the present application illustrates an exemplary method for using an MRD 28 in conjunction with a telecommunication. In the exemplary method, a transcoder 28

is used in conjunction with the telephone call between two telephony devices 22a and 22b. However, the exemplary method applies, at least in part, to the use of any other appropriate MRDs 28. Before the start of the exemplary method, a call has been requested by telephony device 22a, call control 102a has received a call proceed signal from telephony device 22b, and call control 102a has informed media control module 104a of the call proceed signal. *Page 16, line 28 – Page 17, line 6.*

The exemplary method begins at step 300 when media control module 104a determines that a transcoder 28 is needed for the telecommunication between telephony devices 22a and 22b. For example, media control module 104a may determine that telephony device 22a is using a codec that is not compatible with the codec used by telephony device 22b. Therefore, media control module 104a determines that a transcoder 28 needs to be inserted into the media stream between telephony devices 22a and 22b. At step 302, media control module 104a communicates an MRD request and a MRGL to MRM 108a. The MRD request includes the requested type of MRD 28 (which in this example is a transcoder). *Page 17, lines 7-15.*

MRM 108a receives the MRD request and MRGL and determines the first MRD 28 in the MRGL of the requested device type at step 304. As described above, each media resource group in the MRGL includes a list of device names of MRDs 28 and an associated device type. These media resource groups may be communicated as part of the MRGL or may be stored so that they are accessible by MRM 108a. In the example method, MRM 108a starts at the top of the first media resource group and begins to search for the requested device type. If MRM 108a does not find an MRD 28 of the requested type in the first media resource group in the MRGL, MRM 108a continues searching in the next media resource group in the MRGL (assuming there is one). When MRM 108a finds the requested device type, MRM 108a communicates the device name of the MRD 28 (in this example, a transcoder) at step 306 to device manager 106a to obtain a PID of the device process 110 associated with the device name. At step 308, device manager 106a receives the device name, translates the device name into a PID using mapping table 114, and communicates the PID to MRM 108a. For this example, it is assumed that the PID identifies a device process 110c executing at call manager 26b and associated with transcoder 28. *Page 18, lines 13-29.*

MRM 108a receives the PID and communicates an allocation request to device process 110c at step 310. Device process 110c may communicate with transcoder 28 to determine its availability or device process 110c may know the availability of transcoder 28. In either case, device process 110c (or transcoder 28) communicates an allocation response to MRM 108a at step 312 indicating whether transcoder 28 is available for use. At step 314, MRM 108a receives the allocation response and determines whether transcoder 28 is available. If transcoder 28 is unavailable, the method returns to step 304 and MRM 108a continues searching for the next MRD 28 of the requested type in the appropriate MRGL. In the event that none of the MRDs 28 in the MRGL are available, MRM 108a may communicate an MRD response to media control module 104a indicating that no MRDs 28 are available. Similarly, if there are no MRDs 28 of the requested type in the MRGL or if there is an error in determining an MRD, MRM 108a may return a failure indication to media control module 104a. If transcoder 28 is available, MRM 108a communicates an MRD response to media control module 104a at step 316 indicating that transcoder 28 is available. This MRD response includes the PID of device process 110c. At step 318, media control layer 104a communicates with device processes 110a, 110b, and/or 110c to establish a media streaming connection between telephony devices 22a and 22b via transcoder 28, and the method ends. *Page 18, line 30 – Page 19, line 16.*

## Grounds of Rejection to be Reviewed on Appeal

Appellants request that the Board review all of the Examiner's rejections, which include:

The rejection of Claims 1-7, 9-23, 25-37, and 39-45 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,974,134 issued to Park ("*Park*") in view of U.S. Patent No. 6,570,879 issued to Kikuchi ("*Kikuchi*");

The rejection of Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 5,757,781 issued to Gilman et al ("*Gilman*");

The rejection of Claims 2, 18 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,512,918 issued to Malomsoky ("*Malomsoky*");

The rejection of Claims 9, 25 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,304,645 issued to Holland ("*Holland*"); and

The rejection of Claims 10, 26 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,687,234 issued to Shaffer ("*Shaffer*").

## Argument

The Examiner's rejections of Claims 1-7, 9-23, 25-37 and 39-45 are improper, and the Board should withdraw these rejections for the reasons given below.

**I.    The Examiner's Rejection of Claims 1, 6-7, 11-17, 22-23, 27-31, 36-37, and 41-45 Under 35 U.S.C. § 103(a) Over the *Park-Kikuchi* Combination is Improper**

The Examiner rejects Claims 1, 6-7, 11-17, 22-23, 27-31, 36-37 and 41-45 under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi*.

### *A. Independent Claims 1, 15, 31 and 45 (and their dependent claims) are Allowable*

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained at least because *Park* and *Kikuchi,* whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

Claim 1 of the present Application recites the following limitations:

> A method for sharing distributed media resources, comprising:
> determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device;
> selecting an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device; and
> communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second

call manager controlling the selected media resource device.

Independent Claims 15, 31, and 45 recite similar, although not identical, limitations.

Claim 1 is allowable over the cited references at least because neither *Park* nor *Kikuchi* disclose, teach or suggest a media resource group list that comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name. The Final Office Action indicates that these limitations are disclosed in *Kikuchi*. However, the cited passages do not disclose these limitations. The Final Office Action indicates that the recited "device type" is disclosed in the passages as a "type of QoS the device is requesting." Furthermore, in the "Response to Arguments" section, the Final Office Action indicates that "the QoS is the type of connection and resource the LAN terminal is requesting." Appellants submit that QoS type is not a device type of a media resource device and that this claim term cannot reasonably be interpreted to be a QoS in light the specification of the present application. *See M.P.E.P. § 2111* ("The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.").

Furthermore, as pointed out in the "Response to Arguments" section, the QoS type is used to determine the connection device ID list sent to the LAN terminal. It is this device ID list that Appellants understand the Final Office Action is equating to the claimed media resource group list. However, there is no disclosure that the device ID list comprises QoS types – the only disclosure is that the QoS type is used to determine the device ID list. Therefore, even assuming for the sake of argument that the QoS type is a device type (which Appellants assert that it is not), there is no disclosure of a media resource group list that includes device types associated with device names.

Moreover, there is no disclosure in *Kikuchi* that the device ID list includes any sort of groups. Thus, there is also no disclosure of a media resource group list that comprises one or more media resource groups.

For at least these reasons, Appellants respectfully request allowance of Claims 1, 15, 31, and 45, as well as the claims that depend from these independent claims.

### B. Dependent Claims 7, 23 and 37 are Allowable

In addition to depending from an allowable independent claim, several of the dependent claims recite additional limitations that are also not disclosed in the cited references. As an example only and not by way of limitation, dependent Claims 7, 23 and 37 recite that the media resource group list includes a plurality of device names each identifying a media resource device (from Claims 6, 22 and 36), *and accessing a mapping table to determine a process identification (PID) associated with a selected device name, the PID identifying a device process associated with the media resource device identified by the device name.* The Examiner indicates that the italicized language above is disclosed at Column 3, lines 38-49 of *Park.* However, this cited passage discloses "process identifiers" that identify particular *requests* for resources, not resources themselves. Furthermore, there is no disclosure of accessing a mapping table to determine a process identification (PID) associated with a selected device name. For at least this additional reason, Appellants respectfully request allowance of Claims 7, 23 and 37.

### C. Dependent Claims 14, 30 and 44 are Allowable

As another example, Claims 14, 30 and 44 recite that the media resource group list associated with a telephony device is received from the telephony device. The Final Office Action indicates that these limitations are disclosed in *Kikuchi.* However, the cited passage does not disclose these limitations. In the cited passage, a LAN telephone server searches for a list and sends the list to the telephony device (LAN terminal). There is no disclosure of a list associated with a telephony device being *received from* the telephony device. In the "Response to Arguments" section, it seems that that the Examiner is arguing that the fact that the list is present at the LAN terminal when the selection of a device is made somehow discloses that the list was received *from* the LAN terminal, even though it is clear that the list was received from the LAN telephone server. Appellants respectfully cannot understand this logic. Furthermore, this ignores the requirements of Claims 30 and 44 that the media resource group list be received *at a call manager* (or call manager software) from a telephony device

and that the *call manager* then selects of the media resource device. There is clearly no disclosure of this in *Kikuchi*. For at least this additional reason, Appellants respectfully request allowance of Claims 14, 30 and 44.

## II.     The Examiner's Rejection of the Remaining Claims is Also Improper

Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of *Gilman*. In addition, Claims 2, 18 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view *Malomsoky*. Moreover, Claims 9, 25 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of *Holland*. Finally, Claims 10, 26 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of *Shaffer*.

Each of these claims depends from one of independent Claims 1, 15, or 31. As discussed above, Appellants believe that these independent claims are in condition for allowance. Therefore, at least because the above-rejected claims depend from one of these allowable independent claims, Appellants respectfully request allowance of the above-rejected claims.

20

## Conclusion

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

Appellants believe no fees are due. However, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Appellants

Brian W. Oaks
Reg. No. 44,981

Date: January 2, 2008

Correspondence Address:
**Customer Number    05073**

## Appendix A: Claims on Appeal

1.    (Previously Presented)    A method for sharing distributed media resources, comprising:

determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device;

selecting an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device; and

communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device.

2.    (Original)    The method of Claim 1, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to establish a telecommunication with a second telephony device and determining that a transcoder is required to establish the telecommunication.

3.    (Original)    The method of Claim 1, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to initiate a conference call.

4.    (Original)    The method of Claim 1, wherein determining that the telephony device requires the use of a media resource device comprises determining that a media termination point is required to maintain a communication session with the telephony device.

5.    (Original)    The method of Claim 1, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device has been placed on hold and may be connected to a music-on-hold server.

6.    (Original)    The method of Claim 1, wherein:

the media resource group list includes a plurality of device names each identifying a media resource device; and

selecting an appropriate media resource device comprises selecting a device name from the media resource group list.

7.    (Original)    The method of Claim 6, further comprising:

accessing a mapping table to determine a process identification (PID) associated with the selected device name, the PID identifying a device process associated with the media resource device identified by the device name; and

communicating the allocation request to the device process using the PID.

8.    (Canceled)

9.    (Previously Presented)    The method of Claim 1, wherein:

the media resource groups are ordered in the media resource group list;

the device names are ordered in each media resource group; and

selecting an appropriate media resource device comprises searching through the media resource groups and the device names in each media resource group in order until a device name associated with the required device type is found.

10.    (Previously Presented)    The method of Claim 1, wherein one or more of the media resource groups include only media resource devices located in the same geographic area.

11.    (Previously Presented)    The method of Claim 1, wherein one or more of the media resource groups include only media resource devices for use by a particular class of user.

12.    (Original)    The method of Claim 1, further comprising:

receiving an allocation response from the device process indicating that the selected media resource device is available; and

establishing a media streaming connection between the telephony device and the media resource device.

13.    (Original)    The method of Claim 1, further comprising:

receiving an allocation response from the device process indicating that the selected media resource device is unavailable;

selecting a second appropriate media resource device from the media resource group list; and

communicating an allocation request to a second device process associated with the second media resource device.

14.    (Original)    The method of Claim 1, further comprising receiving the media resource group list associated with the telephony device from the telephony device.

15.    (Previously Presented)    A call manager coupled to a packet-based network and operable to control a plurality of devices, the call manager comprising the following logic embodied in a computer-readable medium:

a control module operable to determine that a telephony device controlled by the call manager requires the use of a media resource device; and

a media resource manager operable to:

select an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein the media resource manager is operable to select a device name associated with a device type that is required by the telephony device; and

communicate an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device.

16.    (Original)    The call manager of Claim 15, wherein the control module comprises a call control module.

17.    (Original)    The call manager of Claim 15, wherein the control module comprises a media control module.

18.    (Original)    The call manager of Claim 15, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to establish a telecommunication with a second telephony device and determining that a transcoder is required to establish the telecommunication.

19.    (Original)    The call manager of Claim 15, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to initiate a conference call.

20.    (Original)    The call manager of Claim 15, wherein determining that the telephony device requires the use of a media resource device comprises determining that a media termination point is required to maintain a communication session with the telephony device.

21.    (Original)    The call manager of Claim 15, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device has been placed on hold and may be connected to a music-on-hold server.

22.    (Original)    The call manager of Claim 15, wherein:

the media resource group list includes a plurality of device names each identifying a media resource device; and

the media resource manager is operable to select a device name from the media resource group list.

23.    (Original)    The call manager of Claim 22, further comprising a device manager operable to:

receive the device name from the media resource manager;

access a mapping table to determine a process identification (PID) associated with the device name, the PID identifying a device process associated with the media resource device identified by the device name; and

communicating the PID to the media resource manager for use in communicating the allocation request to the media resource device.

24.    (Canceled)

25. (Previously Presented)     The call manager of Claim 15, wherein:

the media resource groups are ordered in the media resource group list;

the device names are ordered in each media resource group; and

the media resource manager is operable to search through the media resource groups and the device names in each media resource group in order until a device name associated with the required device type is found.

26. (Previously Presented)     The call manager of Claim 15, wherein one or more of the media resource groups include only media resource devices located in the same geographic area.

27. (Previously Presented)     The call manager of Claim 15, wherein one or more of the media resource groups include only media resource devices for use by a particular class of user.

28. (Original)     The call manager of Claim 15, wherein:

the media resource manager is further operable to receive an allocation response from the device process indicating that the selected media resource device is available; and

the control module is further operable to establish a media streaming connection between the telephony device and the media resource device in response to the allocation response.

29. (Original)     The call manager of Claim 15, wherein the media resource manager is further operable to:

receive an allocation response from the device process indicating that the selected media resource device is unavailable;

select a second appropriate media resource device from the media resource group list; and

communicate an allocation request to a second device process associated with the second media resource device.

30.　　(Original)　　The call manager of Claim 15, wherein the control module is further operable to:

receive the media resource group list associated with the telephony device from the telephony device; and

communicate the media resource group list to the media resource manager.

31.    (Previously Presented)    Call manager software embodied in a computer-readable medium and operable to:

determine that a telephony device controlled by the call manager software requires the use of a media resource device;

select an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein the call manager software is operable to select an appropriate media resource device from the media resource group list by selecting a device name associated with a device type that is required by the telephony device; and

communicate an allocation request to a device process associated with the selected media resource device, the device process associated with other call manager software controlling the selected media resource device.


32.    (Original)    The software of Claim 31, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to establish a telecommunication with a second telephony device and determining that a transcoder is required to establish the telecommunication.


33.    (Original)    The software of Claim 31, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to initiate a conference call.


34.    (Original)    The software of Claim 31, wherein determining that the telephony device requires the use of a media resource device comprises determining that a media termination point is required to maintain a communication session with the telephony device.

35.    (Original)    The software of Claim 31, wherein determining that the telephony device requires the use of a media resource device comprises determining that the telephony device has been placed on hold and may be connected to a music-on-hold server.

36.    (Original)    The software of Claim 31, wherein:

the media resource group list includes a plurality of device names each identifying a media resource device; and

selecting an appropriate media resource device comprises selecting a device name from the media resource group list.

37.    (Original)    The software of Claim 36, further operable to:

access a mapping table to determine a process identification (PID) associated with the selected device name, the PID identifying a device process associated with the media resource device identified by the device name; and

communicate the allocation request to the device process using the PID.

38.    (Canceled)

39.    (Previously Presented)    The software of Claim 31, wherein:
the media resource groups are ordered in the media resource group list;
the device names are ordered in each media resource group; and
selecting an appropriate media resource device comprises searching through the media resource groups and the device names in each media resource group in order until a device name associated with the required device type is found.

40.    (Previously Presented)    The software of Claim 31, wherein one or more of the media resource groups include only media resource devices located in the same geographic area.

41.    (Previously Presented)    The software of Claim 31, wherein one or more of the media resource groups include only media resource devices for use by a particular class

of user.

42.    (Original)    The software of Claim 31, further operable to:

receive an allocation response from the device process indicating that the selected media resource device is available; and

establish a media streaming connection between the telephony device and the media resource device.

43.    (Original)    The software of Claim 31, further operable to:

receive an allocation response from the device process indicating that the selected media resource device is unavailable;

select a second appropriate media resource device from the media resource group list; and

communicate an allocation request to a second device process associated with the second media resource device.

44.    (Original)    The software of Claim 31, further operable to receive the media resource group list associated with the telephony device from the telephony device.

45.    (Previously Presented)    A call manager, comprising:

means for determining that a telephony device controlled by the call manager requires the use of a media resource device;

means for selecting an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device; and

means for communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device.

## Appendix B:  Evidence

**NONE**

33

## Appendix C:  Related Proceedings

**NONE**